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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: K. KATAYAMA et al
Application No.: 10/629,808
Filed: July 30, 2003
For: SEMICONDUCTOR MEMORY DEVICE HAVING
FAULTY CELLS
Art Unit: 2827
Examiner: T. PHAN CONF. 7915

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION UNDER
37 CFR §1.137 TO PERMIT THE FILING OF R53(b) APPLICATION IN A TIMELY
MANNER AND TO MAINTAIN APPLICATION CONTINUITY**

MS: PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 10, 2008

Sir:

Receipt is hereby acknowledged of the Notice of Abandonment mailed January 9, 2008 (copy attached), in the above-identified application. The Notice states that the above-identified application became abandoned for failure to file a timely response to a non-final Office Action, dated June 1, 2007, from the United States Patent and Trademark Office.

The undersigned attorney respectfully submits that in response to the non-final Office Action dated June 1, 2007, applicants chose to file a Rule 53(b) Continuation Application to preserve the rights of the invention on October 31, 2007. The undersigned attorney further submits that a Petition for Extension of Time (two months) in the above-identified case was inadvertently not filed to maintain continuity to permit the filing of the Rule 53(b) Continuation application as required, and that this failure was unintentional.

It is hereby stated by the undersigned that the entire delay in filing the required reply (i.e., the Petition for Extension of Time) and payment from the due

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01 FC:1453
02 FC:1252

1540.00 OP
460.00 OP

date of the required payment until the filing of a grantable Petition under 37 CFR §1.137(b) was unintentional.

The referenced Rule 53(b) Continuation Application is currently a pending application, was published on March 6, 2008 and has not been assigned to an Examiner for examination on the merits as of this date.

Enclosed herewith please find the necessary fees: 1) Petition to Revive Unintentionally Abandoned Application fee of \$1,540.00 and 2) Petition for Extension of Time for two months to cover the period from the end of the shortened statutory period of September 11, 2007 to the date of filing the Rule 53(b) Continuation Application (October 31, 2007) of \$460.00. Also enclosed, please find a copy of the Official Filing Receipt (dated December 6, 2007) and a Transaction History page from USPTO PAIR database. It is noted that since this application was filed after June 8, 1995, no Terminal Disclaimer is required.

The undersigned attorney respectfully requests that this Petition be granted and that the application be reinstated for purposes of continuity regarding the filing of the Rule 53(b) Continuation Application on October 31, 2007.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of, either by telephone discussion or by personal interview, the Examiner is invited to contact applicants' undersigned attorney at the number indicated below.

Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 1487.36486CC6), and please credit any excess fees to such deposit account.

Respectfully submitted,
ANTONELLI, TERRY, STOUT & KRAUS, LLP

GEM/dks

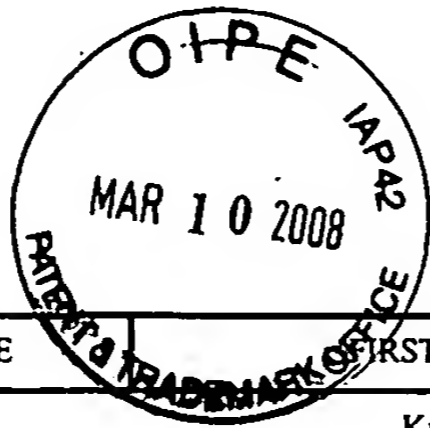
By /Gregory E. Montone
Gregory E. Montone
Reg. No. 28, 141



Appendix: 1) Copy of Official Filing Receipt 2) Copy of USPTO PAIR Transaction History;
3) Copy of Notice of Abandonment.



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/629,808

07/30/2003

Kunihiro Katayama

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20457 7590 01/09/2008
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ARLINGTON, VA 22209-3873

EXAMINER

PHAN, TRONG Q

ART UNIT

PAPER NUMBER

2827

MAIL DATE

DELIVERY MODE

01/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

COPY



Notice of Abandonment

Application No.

10/629,808

Examiner

TRONG PHAN

Applicant(s)

KATAYAMA ET AL.

Art Unit

2827

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 01 June 2007.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Trong Phan

TRONG PHAN
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.